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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,628	12/17/2001	Toru Shirasaki	SH-0028US	4082

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MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

BARRECA, NICOLE M

ART UNIT PAPER NUMBER

1756

DATE MAILED: 11/17/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

C106

Office Action Summary	Application No. 10/016,628	Applicant(s) SHIRASAKI, TORU	
	Examiner Nicole M. Barreca	Art Unit 1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-13, drawn to a pellicle, photomask and pellicle frame, classified in class 430, subclass 5.
 - II. Claim 22, drawn to a method for making a pellicle, classified in class 430, subclass 5.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process, such as process wherein the pellicle frame is formed so that the entire frame directly contacts the reticle.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Sean McGinn on 11/6/03 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-21. Affirmation of this election must be made by applicant in replying to this Office action.

Claim 22 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

5. Claims 20 and 21 are objected to because of the following informalities: claims 20 and 21 as written depend on claim 18. However since these claims are directed to the pellicle frame it appears that they were intended to depend on claim 19.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 9, 11, 13, 14, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa (6083577).

8. Nakagawa discloses a mask protective device or pellicle. Figures 6 and 7 illustrate mask protective device 20 comprising inner and outer string-like beads 14a, 14b spaced apart from each other extending around the end face 11a at one opening of frame 11. String-like beads are formed by linearly applying adhesives 13 and the periphery of transparent thin film 12 (pellicle film) is put on and bonded to 14a, 14b (corresponding to the applicant's adhesive). The discontinuities 15a, 15b (corresponding to the applicant's upper protruding part) are formed in places on the end face 11a of frame 11, so that these discontinuities form openings of the curved groove.

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15 for communicating with the inside and outside of the frame 11. The transparent thin film 12 directly contacts the upper protruding part (15b) of the body part of the frame 11 and contacts the frame through the adhesive or string-like beads (14a). The frame is adhered to mask 17 (col.8, 35-col.9, 10).

9. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (JP 2000-194121, English translation from JPO).

10. Watanabe discloses a pellicle having an outer frame 1 and an inner frame 2. As can be seen in figure 1, the body parts of the pellicle frames are of substantially the same height. Pellicle frame 4 is joined and lined by adhesive 5 at one open end of the outer frame 1. The inner frame 2 directly contacts the pellicle film, thereby corresponding to the upper protruding part. The other end of the open end 1 is joined by adhesive 5 to the pattern surface of reticle 3. The opposite end of inner frame 2 directly contacts the reticle 3, corresponding to the lower protruding part. See the abstract and figure 1 and 3.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kashida (JP 10-020480) and Funatsu (JP 2000-122266) disclose pellicles wherein the frame is adhered to the photomask by forming a cut portion. Kashida (JP 09-206723) discloses a pellicle having a frame with a channel-like recess that is internally provided with an adhesive.

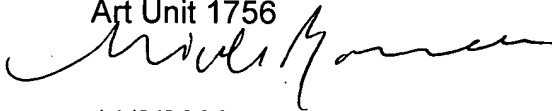
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole M. Barreca whose telephone number is 703-308-7968. The examiner can normally be reached on Monday-Thursday (8:00 am-6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 703-308-2464. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Nicole Barreca
Patent Examiner
Art Unit 1756



11/9/2003